



DEPARTMENT OF VETERANS AFFAIRS
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November 16, 2005

Thomas Quinn
Deputy Clerk, U.S. District Court
John Joseph Moakley Courthouse
1 Courthouse Way
Boston, MA 02210

RE: Criminal Case No: 04-10164-DPW

Dear Mr. Quinn:

The VA Boston Healthcare System received an Order to enforce a subpoena for the records of Jacqueline Santiago from Magistrate Judge Judith Dein in the above-captioned case in August. Ms. Santiago is apparently a witness in the case.

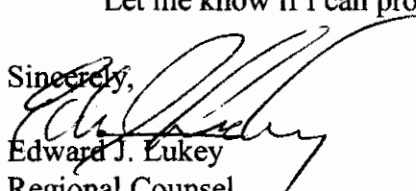
After discussion with Assistant U.S. Attorney Donald Cabell, I have notified the VA Medical Center to release the records to you under the terms of the order.

If Ms. Santiago has consented to the disclosure, the records may be disclosed to counsel. In the absence of consent, because we believe the records are protected by 38 USC 7332, we ask that you present them to the court for *in camera* review, to apply the following test:

"If authorized by an appropriate order of a court of competent jurisdiction granted after application showing good cause therefore. In assessing good cause, the court shall weigh the public interest and the need for disclosure against the injury to the patient... Upon the granting of such order, the court, in determining the extent to which any disclosure of all or any part of any record is necessary, shall impose appropriate safeguards against unauthorized disclosure." 38 USC 7332(b)(2)(D).

Let me know if I can provide further information.

Sincerely,


Edward J. Lukey
Regional Counsel

cc: Donald Cabell, Assistant US Attorney
Timothy Watkins, Federal Defender Office